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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,507	03/18/2005	Masatsugu Ogawa	P/2371-44	4358
2352	7590	05/17/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			JONES, CRYSTAL L	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/528,507		OGAWA, MASATSUGU	
	Examiner		Art Unit	
	Crystal Jones		2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-10 and 13-21 is/are allowed.
- 6) ☒ Claim(s) 1, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art—because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (U.S. Publication 2002/0105874).

Regarding claim 1, Matsumoto discloses a laser power selecting method for selecting a laser power to record modulated codes on an information recording medium by use of a laser beam, characterized by comprising the steps of: recording a predetermined signal pattern on the information recording medium; reproducing the predetermined signal pattern recorded [0131], and calculating an asymmetry value from

the predetermined signal pattern reproduced (see Fig. 46); obtaining a change rate of the asymmetry value relative to a laser power (see Fig. 47); and selecting a laser power at which the change rate assumes a maximum value (see Fig. 47, change rates PBm1 and PBm2; also see [0192]).

Regarding claim 11, Matsumoto discloses an information recording medium on which information is recorded by use of the method according to claim 1, wherein information as to whether or not the laser power selecting method is applicable is recorded on the information recording medium ([0141]).

Regarding claim 12, Matsumoto discloses an information recording device (Fig. 1) which records modulated codes on an information recording medium by use of a laser beam, characterized by: recording means for recording a predetermined signal pattern on the information recording medium; reproducing means for reproducing the predetermined signal pattern recorded by the recording means [0131]; signal processing means for calculating an asymmetry value from the predetermined signal pattern reproduced by the reproducing means (Fig. 1, element 24; also see Fig. 46), and obtaining a change rate of the asymmetry value relative to a laser power (see Fig. 47); and laser power adjusting means for selecting a laser power at which the change rate assumes a maximum value (Fig. 45, element 302; Fig. 47, change rates PBm1 and PBm2; also see [0192]).

Allowable Subject Matter

3. Claims 3-10 and 13-21 are allowed.

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2, 3, and 13, no reference alone or in combination discloses a signal pattern in which a first signal has at least one mark and space longer in length than a shortest mark and space AND a second signal which has a plurality of marks equal in length to the shortest mark and a plurality of spaces shorter in length to the shortest space.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukumoto (U.S. Publication 2003/0007435).

Fukumoto discloses calculating an asymmetry change rate and choosing a recording power according asymmetry value that corresponds to a change rate lower than or equal to a threshold change rate. Fukumoto fails to disclose choosing a recording power according to a maximum change rate value.

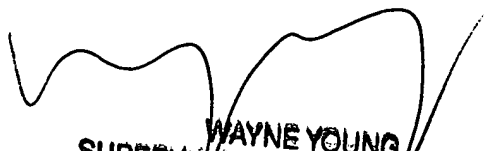
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal Jones whose telephone number is 571-272-2849. The examiner can normally be reached Monday through Thursday from 8 AM to 5 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJ


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER